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## NOTICE OF ALLOWANCE AND FEE(S) DUE

7055 7590 05/21/2009

GREENBLUM & BERNSTEIN, P.L.C.  
1950 ROLAND CLARKE PLACE  
RESTON, VA 20191

EXAMINER

YOO, JASSON H

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 05/21/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,369	08/27/2003	Yasumi Matsuno	P23835	3704

TITLE OF INVENTION: VIDEO GAME THAT IMPOSES PENALTY FOR VIOLATION OF RULE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	08/21/2009

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
Commissioner for Patents  
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

7055 7590 05/21/2009  
**GREENBLUM & BERNSTEIN, P.L.C.**  
1950 ROLAND CLARKE PLACE  
RESTON, VA 20191

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,369	08/27/2003	Yasumi Matsuno	P23835	3704

TITLE OF INVENTION: VIDEO GAME THAT IMPOSES PENALTY FOR VIOLATION OF RULE

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	08/21/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
YOO, JASSON H	3714	463-008000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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10/648,369	08/27/2003	Yasumi Matsuno	P23835	3704
7055	7590	05/21/2009	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			YOO, JASSON H	
			ART UNIT	PAPER NUMBER
			3714	
DATE MAILED: 05/21/2009				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 592 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 592 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/648,369	MATSUNO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jasson H. Yoo	3714	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 3/2/09.
2. ☒ The allowed claim(s) is/are 23,25-31,37,39,41 and 44.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date <u>3/17/09</u></li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____.</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____.</li> </ol> |
|--|---|

/Peter DungBa Vo/  
Supervisory Patent Examiner, Art Unit 3714

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information Disclosure Statement filed on 3/17/09 is considered. However, the document "DORIMAGA" by Softbank Publishing Inc., published November 11, 2002, volume 19, no. 20, cover page was not provided. It appears that this document refers to the vol. 20 document with the printed date of November 8, 2002. Therefore the document, "DORIMAGA" by Softbank Publishing Inc., published November 11, 2002, volume 19, no. 20, cover page was not reviewed, and the document labeled, Vol. 20 dated November 8, 2002 was reviewed instead.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joshua Povsner on 5/11/09.

The application has been amended as follows:

Cancel claims 32-34, 36, 38, 40

Replace claims 23, 37, 39, 41, 42 with the following, respectively:

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Claim 23. A video game apparatus, comprising:

a movement instruction input section that inputs an instruction to move a player character between predetermined locations to which the player character can move on a map;

a movement section that moves the player character between the predetermined locations in accordance with the instruction to move the player character between the predetermined locations;

a time lapse section that updates a time unit of a virtual concept in the video game when the player character is moved between the predetermined locations;

a rule storage that stores a rule to be set in accordance with the updated time unit;

a rule judge that determines, with reference to the stored rule, a rule applicable when the video game advances, and that updates the rule based on the updated time unit;

an instruction input device that inputs an instruction to advance the video game;

a rule violation determiner that determines whether the determined rule is violated based on the instruction to advance the video game, wherein the rule violation determiner determines the degree of the violation of the rule when the rule violation determiner determines that the determined rule is violated;

an item storage that stores items provided to the player as the video game progresses, wherein the item storage stores the items given to the player by classifying the items into groups based on a value;

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a penalty processor that imposes a predetermined penalty when the determined rule is violated; wherein the penalty processor deletes a predetermined item stored in the item storage to impose the penalty, the deleted item selected from a group in accordance with the degree of the violation of the determined rule; and

a violation history storage that stores a history of determined violations, wherein the penalty processor imposes the predetermined penalty based on the stored history of violations.

Claim 37. A video game apparatus having a memory that stores a video game program and a processor that executes the video game program, the video game program causing the processor to

receive input instruction to move a player character between predetermined locations to which the player character can move on a map;

the processor executing the video game program by:

moving the player character between predetermined locations on a map to which the player character can move in accordance with the instruction to move the player character between the predetermined locations;

updating a time unit of a virtual concept in the video game when the player character is moved between the predetermined locations;

storing a rule to be set in accordance with the updated time unit;

determining, with reference to the stored rule, a rule applicable when the video game advances;

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updating the rule based on the updated time unit;

receiving an input instruction to advance the video game;

determining whether the determined rule is violated based on the instruction to advance the video game, wherein the degree of the violation of the rule is determined when the rule is violated;

storing items provided to the player as the video game progresses in an item storage; the stored items classified into groups based on a value;

imposing a predetermined penalty when the determined rule is violated, the penalty imposed by deleting a predetermined item stored in the item storage, the deleted item selected from a group in accordance with the degree of the violation of the determined rule; and

storing a history of determined violations, wherein the predetermined penalty is imposed in accordance with the stored history of violations.

Claim 39. A method for advancing a video game executed by a computer, comprising:

the computer to receive input instruction to move a player character between predetermined locations to which the player character can move on a map;

the computer executing the video game program by:

moving the player character between predetermined locations in accordance with the instruction to move the player character between the predetermined locations;



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updating a time unit of a virtual concept in the video game when the player character is moved between the predetermined locations;

storing a rule to be set in accordance with the updated time unit;

determining, with reference to the stored rule, a rule applicable when the video game advances;

updating the rule based on the updated time unit;

receiving an input instruction to advance the video game;

determining whether the determined rule is violated based on the instruction to advance the video game, wherein the degree of the violation of the rule is determined when the rule is violated;

storing items provided to the player as the video game progresses in an item storage; the stored items classified into groups based on a value;

imposing a predetermined penalty when the determined rule is violated, the penalty imposed by deleting a predetermined item stored in the item storage, the deleted item selected from a group in accordance with the degree of the violation of the determined rule; and

storing a history of determined violations, wherein the predetermined penalty is imposed in accordance with the stored history of violations.

Claim 41. A computer-readable storage medium on which a video game program is recorded, the video game program causing a computer to:

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receive input instruction to move a player character between predetermined locations to which the player character can move on a map;

the computer to executing the video game program stored on the computer-readable storage medium by:

moving the player character between predetermined locations in accordance with the instruction to move the player character between the predetermined locations;

updating a time unit of a virtual concept in the video game when the player character is moved between the predetermined locations;

storing a rule to be set in accordance with the updated time unit;

determining, with reference to the stored rule, a rule applicable when the video game advances;

updating the rule based on the updated time unit;

receiving an input instruction to advance the video game;

determining whether the determined rule is violated based on the instruction to advance the video game, wherein the degree of the violation of the rule is determined when the rule is violated;

storing items provided to the player as the video game progresses in an item storage; the stored items classified into groups based on a value;

imposing a predetermined penalty when the determined rule is violated, the penalty imposed by deleting a predetermined item stored in the item storage, the deleted item selected from a group in accordance with the degree of the violation of the determined rule; and

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storing a history of determined violations, wherein the predetermined penalty is imposed in accordance with the stored history of violations.

***Allowable Subject Matter***

Claims 23, 25-31, 37, 39, 41, 44 are allowed.

The following is an examiner's statement of reasons for allowance: A thorough search of the prior art fails to disclose any reference or references, which taken alone or in combination, teach or suggest, in combination with the other limitation, "determining whether the determined rule is violated based on the instruction to advance the video game, wherein the degree of the violation of the rule is determined when the rule is violated;

storing items provided to the player as the video game progresses in an item storage; the stored items classified into groups based on a value;

imposing a predetermined penalty when the determined rule is violated, the penalty imposed by deleting a predetermined item stored in the item storage, the deleted item selected from a group in accordance with the degree of the violation of the determined rule; and

storing a history of determined violations, wherein the predetermined penalty is imposed in accordance with the stored history of violations".

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Prior art, "DORIMAGA", vol. 19, no. 20, pages 54-59 (reference provided by Applicant from the IDS dated 12/3/03), discloses a gaming device in which characters can battle in a three-dimensional map. The battles are controlled by rules, and players are penalized for violating the rule. "DORIMAGA", vol. 19, no. 20 discloses the history of the violation is also stored (i.e. keeps track of yellow cards). "DORIMAGA", vol. 19, no. 20 also discloses penalties. More specifically, the penalties can be a loss in HP (disclosed in page 54 section 3) or a loss in money (disclosed in page 57 section 8 as paying a fine). However, "DORIMAGA", vol. 19, no. 20, fails to disclose these items are classified into groups based on a value. HP and money may have values individually. However, the values of HP or money are not values in which they can be classified into groups. Thus "DORIMAGA", vol. 19, no. 20, fails to disclose the claim limitation of storing items in a storage given to the player by classifying the items into groups based on a value, and deleting a predetermined item stored in the item storage, the deleted item selected from a group in accordance with the degree of the violation of the determined rule.

Prior art, "DORIMAGA", vol. 19, no. 17, pages 40-47 (reference provided by Applicant from the IDS dated 12/3/03), discloses a gaming device in which characters can battle in a three-dimensional map. The battles are controlled by rules, and players are penalized for violating the rule. The history of the violation is also stored (i.e. keeps track of yellow cards). However, "DORIMAGA", vol. 19, no. 17, pages 40-47 fails to disclose storing items provided to the player as the video game progresses in an item

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storage; the stored items classified into groups based on a value; and deleting a predetermined item stored in the item storage, the deleted item selected from a group in accordance with the degree of the violation of the determined rule.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson H. Yoo whose telephone number is (571)272-5563. The examiner can normally be reached on 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JHY

/Peter DungBa Vo/

Supervisory Patent Examiner, Art Unit 3714